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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MEW, KEVIN D	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,124	GASPARD ET AL.	
	Examiner	Art Unit	
	Kevin Mew	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-30, 43-48* is/are allowed.

6)☒ Claim(s) *31-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Response to Amendment

1. Applicant's Remarks/Arguments filed on regarding claims 1-48 have been considered. Claims 1-48 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31-38, 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Cochran et al. (USP 7,240,106).

Regarding claim 31, Cochran discloses an apparatus for automatic discovery of network devices (discovery of computing devices, elements, 14, 26, … 44, 48, 50, …, 64, 68, … 82, Fig. 2, col. 9, lines 55-67, col. 10, lines 1-7) within a managed network (device configuration system 10, Figs. 1 and 2, col. 5, lines 20-32) comprising:

a display device comprising a discovery range window (an user interface, element 132, Fig. 3, col. 9, lines 59-67, col. 10, lines 1-7) for displaying a network address range (for displaying a range of network IP addresses, element 180, Fig. 3, col. 9, lines 59-67, col. 10, lines 1-7) for discovery of network devices (for discovery of network devices, element 180, Fig. 3, col. 9, lines 59-67, col. 10, lines 1-7) and a discovered devices window (a discovered device

window/table, element 146, Fig. 3, col. 9, lines 59-67, col. 10, lines 1-7) for displaying identification information for devices discovered within said network address range (for displaying of the identification information such as Subnet Mask, DHCP server information for devices associated within the range of IP addresses, elements 148, 150, 152, 154, Fig. 3, col. 10, lines 8-31), said devices providing routing capabilities (devices are routers, col. 5, lines 58-61).

Regarding claim 32, Cochran discloses the apparatus of claim 31 further comprising a user interface for accepting input from a user (address search option facilitates selection of the address search ranges, element 138, Fig. 3, col. 10, lines 34-36), said user interface comprising means for said user to specify said discovery range (address search option menu which allows users to select the address search ranges, element 138, Fig. 3, col. 10, lines 34-36).

Regarding claim 33, Cochran discloses the apparatus of claim 32 wherein said user interface comprises means for said user to select one or more of said discovered devices displayed in said discovered devices window for management by a network management system (device type option for users to select one or more device types, element 136, Fig. 3, col. 10, lines 36-40).

Regarding claim 34, Cochran discloses the apparatus of claim 33 further comprising a network communications system for sending network communications to each network address in said discovery range (identifying a particular computing device by transmitting network signals to the network addresses, col. 6, lines 8-22).

Regarding claim 35, Cochran discloses the apparatus of claim 32 wherein said range comprises a plurality of contiguous network addresses (a plurality of IP addresses of the computing devices within the local area network, col. 8, lines 19-22).

Regarding claim 36, Cochran discloses the apparatus of claim 32 wherein said range comprises a plurality of discreet, non-contiguous network addresses (a plurality of IP addresses of the computing devices within the wide area network, col. 8, lines 19-22).

Regarding claim 37, Aoyagi discloses the apparatus of claim 34 comprising a message response analyzer for analyzing responses received from network addresses in said discovery range (device type option for analyzing the responded IP addresses in said discovery range, see col. 10, lines 36-40).

Regarding claim 38, Cochran discloses the apparatus of claim 37 wherein said message response analyzer comprises identification means for identifying a type of a device sending a response (device type option for users to select and detect one or more device types, element 136, Fig. 3, col. 10, lines 36-40).

Regarding claim 41, Cochran discloses the apparatus of claim 34 wherein said discovery range comprises IP addresses (IP addresses, element 180, Fig. 3, col. 9, lines 59-67, col. 10, lines 1-7).

Regarding claim 42, Cochran discloses the apparatus of claim 31 wherein said discovered devices window comprises information identifying a discovered device's type (for displaying of the information such as Subnet Mask, DHCP server information for identifying devices associated within the range of IP addresses, elements 148, 150, 152, 154, Fig. 3, col. 10, lines 8-31element 136, Fig. 3, col. 10, lines 36-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran et al. in view of Aoyagi et al. (US Publication 2002/0032761).

Regarding claim 39, Cochran discloses all the aspects of claim 34 above, except fails to explicitly show said network communications system comprises means for receiving messages originating from network devices.

However, Aoyagi discloses a MIB access module receiving SNMP response messages originated from SNMP agent running on network devices (paragraphs 0002, 0146, 0193, 0210, 0211).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device discovery system of Cochran with the teaching of Aoyagi in having a MIB access module to receiving SNMP response messages originated from SNMP agent running on network devices such that the network communications system of Cochran comprises means for receiving messages originating from network devices.

The motivation to do so is to acquire any MIB object value of a particular network equipment.

Regarding claim 40, Cohcran discloses all the aspects of claim 34 above, except fails to explicitly show the apparatus of claim 34 wherein said means for receiving messages originating from network devices comprises means for receiving SNMP messages.

However, Aoyagi discloses a MIB access module receiving SNMP response messages originated from SNMP agent running on network devices (paragraphs 0002, 0146, 0193, 0210, 0211).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device discovery system of Cochran with the teaching of Aoyagi in having a MIB access module to receiving SNMP response messages originated from SNMP agent running on network devices such that said means for receiving messages originating from network devices comprises a means such as an MIB access module for receiving SNMP messages.

The motivation to do so is to acquire any MIB object value of a particular network equipment.

Allowable Subject Matter

4. Claims 1-30, 43-48 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 1, a method for automatic discovery of network devices within a managed network comprising the steps of:

if said first device provides routing capabilities, making said first device available for selection for management by a network management system;

selecting a second address from said first set of network addresses;

repeating said sending, and awaiting steps for said second network address.

In claim 25, a method of managing from a network management system (NMS), network devices added to communication network, comprising:

if said network device has routing capabilities, adding the network device to a list of detected devices and setting the status of said network device in said list set to uncommitted; and

removing said network device from said list upon receiving confirmation that said network device should be managed from said NMS.

Response to Arguments

5. Applicant's arguments with respect to claims 31-42 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chi H Pham/
Supervisory Patent Examiner, Art Unit 2616
6/6/08

Kevin Mew /K. M./
Examiner, Art Unit 2616